

40-7-8-.02 Definitions.

(1) The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(a) “*Handle*” or “*Ship*” means to package, load, sell, transport, or in any other way to place Vidalia onions, or cause Vidalia onions to be placed, in the current of commerce within the production area or between the production area and any point outside thereof.

Such term shall not include the transportation, sale, or delivery of field-run Vidalia onions to a person within the production area for the purpose of having such Vidalia onions prepared for market. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-

.08(1)(f)2. of these rules.

(b) “*Handler*” is synonymous with “*Shipper*” and means any person within the Vidalia onion production area (*except a common contract carrier of Vidalia onions owned by another person*) who handles Vidalia onions, or causes Vidalia onions to be handled.

(c) “*Person*” means any association, individual, partnership, corporation or any other legal entity.

(d) “*Producer*” is synonymous with “*grower*” and means any person engaged in a proprietary capacity in the production of Vidalia onions for market.

(e) “*Producer-Handler*” means a producer who handles Vidalia onions.

(f) “*Vidalia Onion Advisory Panel*” means the advisory panel established pursuant to Code Section 2-14-138.

(g) “*Vidalia Onion Variety*” means varieties of **Allium Cepa** of the hybrid granex, granex parentage or other similar varieties. The Commissioner may limit the usage of certain varieties or authorize the inclusion of new varieties based upon recommendation of the Director of the Experiment Stations of the College of Agricultural and Environmental Sciences of the University of Georgia.

(h) “*Vidalia Onion*” means any onion of the type defined in paragraph (g) of this section and produced in the “*Vidalia Onion Production Area*” as defined in paragraph (i) of this section.

(i) “*Vidalia Onion Production Area*” means a specific production area which encompasses only that part of the state particularly described as follows:

Beginning at a point in Laurens County where U. S. Highway 441 intersects Highway 16; thence continue southerly along U. S. Highway 441 to a point where it intersects the southern boundary of Laurens County; thence southwesterly along the border of Laurens

County to a point where it intersects the county road known as Jay Bird Springs Road; thence southeasterly along Jay Bird Springs Road to a point where U. S. Highway 23 intersects the western border of Telfair County; thence southwesterly following the western and southern county border of Telfair County to a point where it intersects with

Jeff Davis County; thence following the southern border of Jeff Davis County to a point where it intersects the western border of Bacon County; thence southerly and easterly along the border of Bacon county to a point where it intersects Georgia State Road 32; thence easterly along Georgia State Road 32 to Seaboard Coastline Railroad; thence northeasterly along the tracks of Seaboard Coastline Railroad to a point where they intersect Long County and Liberty County; thence northwesterly and northerly along the southwestern border of Liberty county to a point where the border of Liberty County intersects the southern border of Evans County; thence northeasterly

along the eastern border of Evans County to the intersection of the Bulloch County border; thence northeasterly along the Bulloch County border to a point where it intersects with the Ogeechee River; thence northerly along the main channel of the Ogeechee River to a point where it intersects with the southeastern border of Screven County; thence northeasterly along the southeasterly border of Screven County to the main channel of the Savannah River; thence northerly along the main channel of the Savannah River to a point where the northwestern boundary of Hampton County, South Carolina intersects the Savannah River; thence due west to a point where State Road 24 intersects Brannen Bridge Road; thence westerly along Brannen Bridge Road to a point where it intersects with State Road 21; thence westerly along State Road 21 to the intersection of State Road 17; thence westerly along State Road 17 to the intersection of State Road 56 and southerly to the northern border of Emanuel County; thence westerly and southerly along the boundary of Emanuel County to a point where it intersects the Treutlen County border; thence southerly to a point where the Treutlen County border intersects Interstate Highway 16; thence westerly to the point of beginning in Laurens County.

(j) “*Registration*” means a process whereby persons desiring to produce and/or pack onions for marketing as Vidalia onions are registered by the Department as Vidalia Onion Producers and/or Packers. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f)2. of these rules.

(k) “*Department*” means the Department of Agriculture of the State of Georgia.

(l) “*Commissioner*” means the Commissioner of Agriculture of the State of Georgia.

(m) “*Label*” means a display of written, printed or graphic matter upon the immediate container of Vidalia onions.

(n) “*Labeling*” means all labels and other written, printed or graphic matter, including advertising, upon an article or any of its containers or wrappers, or accompanying such article.

(o) “*Georgia Federal-State Shipping Point Inspection Service*” or “*Inspection Service*” is the Corporation authorized by the Department to conduct inspection, certification, and identification of the class, quantity, quality and condition of agricultural products in Georgia.

(p) “*Pack*” means the initial placement of Vidalia onions into properly labeled containers by grower/packers or packers within the Vidalia onion production area only who have been properly certified and registered by the Department.

(q) “*Repack/Repacking*” means the removing of Vidalia onions by any individual from initially-packed containers, as described in (p) above of this subparagraph, and subsequently placing those same onions into any other like or unlike containers bearing the registered U.S. Certification Mark “VIDALIA®”.

(r) ~~“*Shipping date*” means the first day on which Vidalia onions may be shipped for sale.~~

“*Packing Date*” means the first day on which Vidalia Onions® may be packed and shipped into commerce.

(s) “*Green onion*” means any onion which has been harvested young before the bulb has developed or enlarged, and which still has the green tubular top intact.

Authority O.C.G.A. Secs. 2-14-131, 2-14-133, 26-2-1 et seq. **History.** Original Rule entitled “Rejected Nuts” adopted. F. and eff. June 30, 1965. **Repealed:** New Rule entitled “Definitions” adopted. F. Apr. 30, 1996; eff. May 20, 1996. **Amended:** F. Dec. 13, 1996; eff. Jan. 2, 1997. **Amended:** F. Sept. 3, 1999; eff. Sept. 23, 1999. **Amended:** ER. 40- 7-8-0.64-.02(g) adopted. F. and eff. Sept. 8, 2000; the date of adoption,

to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** F. June 5, 2001; eff. June 25, 2001. **Amended:** F. Mar. 4, 2004; eff. Mar. 24, 2004. **Repealed:** New Rule of same title adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004. **Repealed:** New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005. **Amended:** F. Aug. 11, 2006; eff. Aug. 31, 2006. **Repealed:** New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007. **Repealed:** New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007. **Repealed:** New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

40-7-8-.17 Shipping Date.

~~The Commissioner may determine and announce a shipping date each year for the Vidalia onion marketing season upon the recommendation of the Vidalia Onion Advisory Panel. Vidalia onions may be shipped prior to such date with a mandatory U.S. No. 1 grade certificate. The Vidalia Onion Advisory Panel shall survey the conditions of the Vidalia onion crop and recommend a shipping date for the marketing season to the Commissioner.~~

Authority O.C.G.A. Sec. 2-14-133. **History.** Original Rule entitled “Penalty” adopted. F. Mar. 4, 2004; eff. Mar. 24, 2004. **Repealed:** New Rule entitled “Shipping Date” adopted. F. Aug. 6, 2004; eff. Aug. 26, 2004. **Repealed:** New Rule of same title adopted. F. Oct. 6, 2005; eff. Oct. 26, 2005. **Amended:** F. Aug. 11, 2006; eff. Aug. 31, 2006. **Repealed:** New Rule of same title adopted. F. June 11, 2007; eff. July 1, 2007. **Repealed:** New Rule of same title adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007. **Repealed:** New Rule of same title adopted. F. Mar. 31, 2010; eff. Apr. 20, 2010.

40-7-8-.17 Packing Date

The Commissioner is authorized to determine and announce a packing date each year for the Vidalia Onion® marketing season which shall commence no sooner than 12:01 AM on the Monday of the last full week of April, each year. Vidalia Onions® shall not be packed or put into commerce, at any time prior to the announced packing date. Once the packing date is established, Vidalia Onions may be packed in containers and shipped from that day forward. The Commissioner may, depending on crop conditions and with the recommendation of the Vidalia Onion® Advisory Panel, specify a packing date other than the Monday of the last full week in April. Drying and other forms of onion preparation may take place prior to the packing date.